



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Article III.B (6) Judith & Robert Trautwein/Map 160, Lot 5

June 18, 2014

Applicant: Judith & Robert Trautwein
1766 McConnell Drive
Williamsport, PA 17701

Location: 8 Garwood Lane, Moultonborough, NH (Tax Map 160, Lot 5)

On May 21, 2014, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Judith & Robert Trautwein (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for special exception under Article III.B (6) to allow for construction of a stairway to a waterbody within the lakefront setback on the parcel located in the Residential Agricultural (RA) Zoning District at 8 Garwood Lane.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 8 Garwood Lane (Tax Map 160, Lot 5).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Nicol Roseberry from Ames Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The ZBA had questions at the May 21, 2014 meeting relating to the proposed siting of the new dwelling and the topography of the parcel and how they related to the location of the proposed stairway down the slope to the lake front.
- 6) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Crowe), and none (0) opposed to continue the Public Hearing to June 4, 2014, and to schedule an on-site visit of the property for June 4, 2014 at 5:30P.M.

- 7) The ZBA re-opened the continued Public Hearing at the June 4th meeting and discussed their observations from the site visit.
- 8) The applicant's representative (Nicol Roseberry) explained to the Board the proposed improvements that were identified onsite.
- 9) The applicants are proposing a footpath and walkway/stairs over the bank to provide access to the lakefront within the 50' shoreline setback.
- 10) No members of the public wished to speak during the public hearing.
- 11) The use will not be incompatible with the character of the neighboring land uses as it is a residential structure in a residential neighborhood, many of which have similar access to the lake.
- 12) Property values in the district will not be negatively impacted or reduced by such a use as the proposal will increase the site's value and is similar to other uses in the district.
- 13) There will be no nuisance or hazard to vehicles or pedestrians as the use is entirely on private property and not subject to public access.
- 14) Adequate and appropriate facilities being provided for the proper operation of the proposed use was deemed not applicable to this request.
- 15) The proposed use complying with the minimum land space requirements was deemed not applicable to this request.
- 16) The proposed use not having an impact on the capacity of the existing roads and highways to carry related traffic was deemed not applicable to this request.
- 17) The application meets all of the requirements for a Special Exception under Article VI E.

On June 4, 2014, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Jenny) and none (0) opposed to grant the request for a special exception with the condition that any required shoreland and wetland permits be submitted to the Development Services Office at the time of Building Permit Application, and further, to close the Public Hearing.

The Board of Adjustment, on June 18, 2014, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of (5) in favor (Stephens, Nolin, Zewski, Bickford, DeMeo), none (0) opposed.

The decision made to Approve the special exception on June 4, 2014 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA

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677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

A handwritten signature in blue ink, appearing to read "Robert H. Stephens", written over a horizontal line.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 6/23/2014